HVN

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

INCOME TAX APPEAL (L) NO. 1016 OF 2004

The Commissioner of Income Tax ... Appellant

Versus

M/s. Bhilosa Tex-N-Twist Pvt. Ltd.. Respondent

Mr. R.G. Bhat i/by Pankaj Kapoor for Appellant.

Mr. A.K. Jasani for Respondents.

CORAM: F.I. REBELLO &
J.P.DEVADHAR,JJ.
DATED: 19TH JULY,2007

P.C.:

. Admit. Heard fortieth.

. The revenue has preferred this appeal against the order dated 13.2.2004 of the I.T.A.T. The question of law formulated is as under :

"Whether on the facts and in the circumstances of the case and in law, the Hon’ble Tribunal erred in conforming the order of the CIT(A) and holding that the assessee is eligible for deductions u/s. 80-HH, 80-I and 80-IA of the Act treating that the activity of texturising and twisting of the yarn is a manufacturing activity?"

. The counsel for the assessee fairly states that

the issue has specifically not been dealt with as required both by Assessing Officer and Tribunal. In the light of that, order of the Tribunal as also the Assessing Officer is set aside and the matter is remanded back to the Assessing Officer for reconsideration and dispose it off according to law. Appeal disposed of accordingly. No order as to costs.

(J.P.DEVADHAR, J.) **(F.I.REBELLO, J.)**